

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

SCOTT T. BALLOCK

Plaintiff,

v.

CIVIL ACTION NO. 1:17CV52
(Judge Keeley)

ELLEN RUTH COSTLOW,
STATE TROOPER MICHAEL KIEF,
STATE TROOPER RONNIE M. GASKINS, and
STATE TROOPER CHRIS BERRY,

Defendants.

ORDER GRANTING PLAINTIFF'S MOTION
FOR EXTENSION OF APPEAL PERIOD [DKT. NO. 178]

On June 15, 2020, the plaintiff, Scott T. Ballock ("Ballock"), moved for an extension of time to file an appeal of this civil action (Dkt. No. 178). Specifically, he seeks to extend the deadline until after a full resolution of the motion for costs and fees filed by defendants State Trooper Michael Kief, State Trooper Ronnie M. Gaskins, and State Trooper Chris Berry ("state trooper defendants") on January 6, 2020 (Dkt. No. 165).

Pursuant to Fed. R. App. R. 4(a)(4)(A)(iii), the time to file an appeal runs "from the entry of the order disposing of a motion for attorney's fees under Rule 54 if the district court extends the time to appeal under Rule 58." Id. In turn, Federal Rule of Civil Procedure 58(e) provides that, upon the timely filing of a motion for attorney's fees, the Court may extend the time to appeal. Fed. R. Civ. P. 58(e).

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**ORDER GRANTING PLAINTIFF'S MOTION
FOR EXTENSION OF APPEAL PERIOD [DKT. NO. 178]**

Here, the Court entered an order granting of the state trooper defendants' motion for attorney's fees on May 28, 2020 (Dkt. No. 175). Although the time to appeal would ordinarily be extended from June 17, 2020 until June 29, 2020, because the Court has ordered supplemental briefings and information before it can determine the amount of attorneys fees that will be awarded, the Court concludes that there is good cause to extend Ballock's time to appeal until the motion for attorney's fees is fully resolved.

According, pursuant to Rule 58(e), the Court **GRANTS** Ballock's motion for an extension of appeal period (Dkt. No. 178) and **TOLLS** the deadline for Ballock to file an appeal to thirty (30) days following the Court's final order determining the amount of attorney's fees that will be awarded.

It is so **ORDERED**.

The Court directs the Clerk to transmit copies of this Order to counsel of record.

DATED: June 15, 2020.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE